

1 received into evidence.)

2 MR. TOPEL: 351 and 352.

3 JUDGE CHACHKIN: Bureau Exhibits 351 and 352 are  
4 received.

5 (Whereupon, the documents previously  
6 marked for identification as Bureau  
7 Exhibits 351 and 352 were received  
8 into evidence.)

9 MR. TOPEL: Your Honor, 353 is a partial document  
10 and I would just like to reserve the right to complete the  
11 document if -- after we see what the examination is. But with  
12 that caveat, I have no objection to 353 subject to being tied.

13 JUDGE CHACHKIN: Bureau Exhibit 353 is received.  
14 (Whereupon, the document previously  
15 marked for identification as Bureau  
16 Exhibit 353 was received into  
17 evidence.)

18 MR. TOPEL: 354, 355, and 357.

19 JUDGE CHACHKIN: Bureau Exhibits 340 -- 354, 355,  
20 and 357 are received.

21 (Whereupon, the documents previously  
22 marked for identification as Bureau  
23 Exhibits 354, 355, and 357 were  
24 received into evidence.)  
25

MR. TOPEL: 360, 361, and 362.

1 JUDGE CHACHKIN: Bureau Exhibits 360, 361, and 362  
2 are received.

3 (Whereupon, the documents previously  
4 marked for identification as Bureau  
5 Exhibits 360, 361, and 362 were  
6 received into evidence.)

7 MR. TOPEL: 364, and 365, and 366.

8 JUDGE CHACHKIN: Bureau Exhibits 364, 365, and 366  
9 are received.

10 (Whereupon, the documents previously  
11 marked for identification as Bureau  
12 Exhibits 364, 365, and 366 were  
13 received into evidence.)

14 MR. TOPEL: 367, 373.

15 JUDGE CHACHKIN: Bureau Exhibits 367 and 373 are  
16 received.

17 (Whereupon, the documents previously  
18 marked for identification as Bureau  
19 Exhibits 367 and 373 were received  
20 into evidence.)

21 MR. TOPEL: 374 and 375.

22 JUDGE CHACHKIN: Bureau Exhibits 374 and 375 are  
23 received.

24 (Whereupon, the documents previously  
25 marked for identification as Bureau

1 Exhibits 374 and 375 were received  
2 into evidence.)

3 MR. TOPEL: 376, 379.

4 JUDGE CHACHKIN: Bureau Exhibits 376 and 379 are  
5 received.

6 (Whereupon, the documents previously  
7 marked for identification as Bureau  
8 Exhibits 376 and 379 were received  
9 into evidence.)

10 MR. TOPEL: 382, 395, and 398.

11 JUDGE CHACHKIN: Bureau Exhibits 382 -- 395 was  
12 it? --

13 MR. TOPEL: Yes.

14 JUDGE CHACHKIN: -- 395 and 398 are received.

15 (Whereupon, the documents previously  
16 marked for identification as Bureau  
17 Exhibits 382, 395, and 398 were  
18 received into evidence.)

19 MR. TOPEL: 401 and 403.

20 JUDGE CHACHKIN: Bureau Exhibits 401 and 403 are  
21 received.

22 (Whereupon, the documents previously  
23 marked for identification as Bureau  
24 Exhibits 401 and 403 were received  
25 into evidence.)

1 MR. TOPEL: Your Honor, may I have one second?

2 JUDGE CHACHKIN: Yes.

3 (Asides.)

4 MR. TOPEL: Did we, Your Honor, did we, did we just  
5 do 401 and 403?

6 JUDGE CHACHKIN: Yes.

7 MR. TOPEL: Okay. Did I state a position on 404?

8 JUDGE CHACHKIN: Yes, you had no objection to it.  
9 You -- well, your stated position is --

10 MR. TOPEL: The, the 2 pages --

11 JUDGE CHACHKIN: The two pages.

12 MR. TOPEL: So that's the same one, yes.

13 JUDGE CHACHKIN: Yes.

14 MR. TOPEL: Okay, that -- on 404, we, we believe  
15 pages 3 and 4 need to be tied.

16 JUDGE CHACHKIN: Yes.

17 MR. TOPEL: 406.

18 JUDGE CHACHKIN: 406 is received.

19 (Whereupon, the document previously  
20 marked for identification as Bureau  
21 Exhibit 406 was received into  
22 evidence.)

23 MR. TOPEL: 409.

24 JUDGE CHACHKIN: Bureau Exhibit 409 is received.

25 (Whereupon, the document previously

1 marked for identification as Bureau  
2 Exhibit 409 was received into  
3 evidence.)

4 MR. TOPEL: 411 and 413.

5 JUDGE CHACHKIN: Bureau Exhibits 411 and 413 are  
6 received.

7 (Whereupon, the documents previously  
8 marked for identification as Bureau  
9 Exhibits 411 and 413 were received  
10 into evidence.)

11 MR. TOPEL: Your Honor, if this would be a good time  
12 for Mr. Cohen's 5-minute break, I, I --

13 JUDGE CHACHKIN: Yeah. We'll be able to take a  
14 brief --

15 MR. TOPEL: -- I might be able to have four or five  
16 more.

17 MR. COHEN: I need, I need a few more minutes,  
18 Your Honor, because what I need to do is do all this  
19 correlation.

20 JUDGE CHACHKIN: All right, we'll take a brief  
21 recess at this time.

22 (Whereupon, a brief recess was taken.)

23 MR. TOPEL: Okay, Your Honor, Mass Media Bureau  
24 exhibits to which we have no objection include 233 --

25 JUDGE CHACHKIN: One second. We've already received

1 that.

2 MR. TOPEL: Oh.

3 MR. COHEN: 233?

4 MR. SCHAUBLE: No, no.

5 JUDGE CHACHKIN: No, I'm sorry, I'm sorry. I looked  
6 at 223. Bureau Exhibit 233 is received.

7 (Whereupon, the document previously  
8 marked for identification as Bureau  
9 Exhibit 233 was received into  
10 evidence.)

11 MR. TOPEL: 285.

12 JUDGE CHACHKIN: Bureau Exhibit 285 is received.

13 (Whereupon, the document previously  
14 marked for identification as Bureau  
15 Exhibit 285 was received into  
16 evidence.)

17 MR. TOPEL: 314 and 315.

18 JUDGE CHACHKIN: Bureau Exhibits 314 and 315 are  
19 received.

20 (Whereupon, the documents previously  
21 marked for identification as Bureau  
22 Exhibits 314 and 315 were received  
23 into evidence.)

24 MR. TOPEL: Okay, then I have an additional list of  
25 exhibits to which we have no objection subject to their being

1 tied up during examination, and those are Bureau  
2 Exhibits 59 --

3 JUDGE CHACHKIN: Bureau Exhibit 59 has been  
4 previously received.

5 MR. TOPEL: 62.

6 MR. SCHAUBLE: Previously received.

7 JUDGE CHACHKIN: Bureau Exhibit 62 has been  
8 previously received.

9 MR. TOPEL: Can we go off the record?

10 JUDGE CHACHKIN: Yes.

11 (Whereupon, a brief recess was taken.)

12 JUDGE CHACHKIN: 59?

13 MR. TOPEL: Yes, these would all be subject to, to  
14 being tied unless they're in --

15 JUDGE CHACHKIN: Well --

16 MR. TOPEL: If they're in our direct case,  
17 obviously, I'm not going to be moving to strike them.

18 JUDGE CHACHKIN: All right, well, 59 has been  
19 previously received.

20 MR. TOPEL: 62.

21 JUDGE CHACHKIN: 62 has previously been received.

22 MR. TOPEL: 64, 68.

23 JUDGE CHACHKIN: 64 has been previously received; 68  
24 is received.

25

(Whereupon, the document previously

1 marked for identification as Bureau  
2 Exhibit 68 was received into  
3 evidence.)

4 MR. TOPEL: 74, 75, and 78.

5 JUDGE CHACHKIN: Bureau Exhibits 74, 75, and 78 are  
6 received.

7 (Whereupon, the documents previously  
8 marked for identification as Bureau  
9 Exhibits 74, 75, and 78 were received  
10 into evidence.)

11 MR. TOPEL: 79, 84, and 88.

12 JUDGE CHACHKIN: Bureau Exhibits 79, 84, and 88 are  
13 received.

14 (Whereupon, the documents previously  
15 marked for identification as Bureau  
16 Exhibits 79, 84, and 88 were received  
17 into evidence.)

18 MR. TOPEL: 90 and 103.

19 JUDGE CHACHKIN: Bureau Exhibits 90 and 103 are  
20 received.

21 (Whereupon, the documents previously  
22 marked for identification as Bureau  
23 Exhibits 90 and 103 were received  
24 into evidence.)  
25

MR. TOPEL: 105, 109 --



1 JUDGE CHACHKIN: Bureau Exhibit 105 has been  
2 previously received; 109 is received.

3 (Whereupon, the document previously  
4 marked for identification as Bureau  
5 Exhibit 109 was received into  
6 evidence.)

7 MR. TOPEL: 116.

8 JUDGE CHACHKIN: Bureau Exhibit 116 is received.

9 (Whereupon, the document previously  
10 marked for identification as Bureau  
11 Exhibit 116 was received into  
12 evidence.)

13 MR. TOPEL: -- 118 --

14 JUDGE CHACHKIN: Bureau Exhibit 118 is received.

15 (Whereupon, the document previously  
16 marked for identification as Bureau  
17 Exhibit 118 was received into  
18 evidence.)

19 MR. TOPEL: -- and 123.

20 JUDGE CHACHKIN: Bureau Exhibit 123 is received.

21 (Whereupon, the document previously  
22 marked for identification as Bureau  
23 Exhibit 123 was received into  
24 evidence.)  
25

MR. COHEN: Can I, can I correlate those now,

1 Your Honor?

2 JUDGE CHACHKIN: Yes, go ahead. He's finished --  
3 have you finished the exhibits or do you have more?

4 MR. TOPEL: Everything else, I'm afraid, we have  
5 either an objection to or need to understand why it's being  
6 offered.

7 JUDGE CHACHKIN: All right. Well, we'll, we'll go  
8 ahead one by one. We'll start with the beginning but  
9 Mr. Cohen wants to correlate this, so we'll go off the record.

10 MR. COHEN: Thank you, Your Honor, I appreciate it.

11 (Whereupon, a brief recess was taken.)

12 MR. COHEN: Could, could -- Your Honor, could I have  
13 a -- can we go off the record for personal purposes for less  
14 than 5 minutes?

15 JUDGE CHACHKIN: All right, all right, we'll go off  
16 the record.

17 (Whereupon, a brief recess was taken.)

18 MR. SHOOK: Your Honor, would that be Exhibit 12  
19 then for Glendale?

20 (Whereupon, a brief recess was taken.)

21 JUDGE CHACHKIN: We're on the record. All right,  
22 first exhibit is, is Glendale Exhibit 12, and you object to  
23 that, is that correct?

24 MR. TOPEL: Yes. Now, do we, do we need -- have  
25 they been offered or are we going to --

1 JUDGE CHACHKIN: Well, all the exhibits, I  
2 understand, are being offered by you. There's no need for you  
3 to say -- are you offering all your exhibits, Mr. Cohen?

4 MR. COHEN: Yes, I do.

5 JUDGE CHACHKIN: All right, then, Glendale  
6 Exhibit 12.

7 MR. TOPEL: Yes, Your Honor, but we do object to  
8 Glendale Exhibit 12 on the ground that it's irrelevant. There  
9 are two issues in this case. One is an issue concerning de  
10 facto control. As Your Honor pointed out last week, de facto  
11 control arises under Section 310 of the Communications Act,  
12 which regulates construction permits, station licenses, or any  
13 rights thereunder. This is about, this document, is about 7  
14 years earlier than the existence of any construction permit or  
15 station license. The -- and, and, and says nothing about the  
16 issue that Your Honor raised last week, which was who makes  
17 the decisions and who has control over those construction  
18 permits, station licenses, or rights thereunder, so we  
19 consider this irrelevant under Section 310 of the Act. The  
20 second issue in the case is an abuse of process issue which  
21 relates to the intention behind the filing of certain  
22 applications and certifications to the Commission. The  
23 process, the lottery process, that NMTV is charged with  
24 possibly abusing did not exist until 1983, and no  
25 certification was filed with the Commission claiming a, a

1 minority preference until 1984, and I don't believe that this  
2 document can be tied to either of the two issues, that is, who  
3 has control over station licenses or construction permits, or  
4 what was the intent in filing certifications to the  
5 Commission, so therefore we believe it's irrelevant.

6 JUDGE CHACHKIN: I assume you have a similar  
7 objection to 13, also, which is a response?

8 MR. TOPEL: Yes, same objection to 13.

9 JUDGE CHACHKIN: All right, Mr. Cohen?

10 MR. COHEN: Well, Your Honor, first of all, you have  
11 to recognize you have not yet ruled on, on Bureau Exhibit 13,  
12 which is the application, and, and in a sense, we're taking --  
13 this is not the first step. You're aware of that. The --  
14 Exhibit 12 is not the beginning of the story here. Now,  
15 returning to Mr. Topel's objections, I submit they're not  
16 well-founded. The, the way that NMTV and its predecessor came  
17 into being is directly relevant to the abuse of process issue.  
18 The Commission stated that, that, in paragraph 38, "if TBN  
19 and/or Paul Crouch controlled NMTV from the outset, and that  
20 fact had been disclosed, NMTV would not have been entitled to  
21 minority preferences in numerous LPTV lotteries," and I'm  
22 reading from paragraph 38, Your Honor. What this exhibit  
23 does, and, and its predecessor exhibits, it puts the formation  
24 of Translator Television, Inc., into context. This is what  
25 was represented to the IRS and there's information in here

1 which directly bears upon both the control issue and the abuse  
2 of process issue. You stated earlier that you want the facts  
3 as to how this company operated. Well, these are -- what we  
4 have tried to do here is begin to lay out what the facts are,  
5 and you have to begin in 1980, and 1980 was when Translator  
6 Television, Inc., was organized. This is a vital part of that  
7 organization because to get tax exemption, was the, the -- one  
8 of the sine qua nons of the way TBN wanted to go forward in  
9 connection with utilizing NMTV as an arm or a vehicle, and  
10 that's why I believe the document is clearly relevant.

11 JUDGE CHACHKIN: The Bureau have anything to say?

12 MR. SHOOK: Well, the Bureau agrees with Mr. Cohen.  
13 These documents are an integral part of the story in terms of  
14 how this company, Translator TV, Inc., and then National  
15 Minority TV were formed, how it operated, who the players  
16 were, and what they were representing to various government  
17 agencies along the way.

18 MR. TOPEL: Your Honor, I, I, I think there, there  
19 ought to be some specific statement of what in these documents  
20 relates to the control issue, the de facto control issue, what  
21 in this document relates to abuse of process and, and  
22 statements -- and the applicants' intention. Mr. Cohen and  
23 Mr. Shook stated positions, general positions, that basically  
24 anything that ever happened between 1980 and 1993, I guess,  
25 must be relevant, but there ought to be some identification of

1 why a letter from the IRS saying "provide this information" in  
2 an application that is, is seeking exempt status as a  
3 charitable organization, why that has anything to do with  
4 control under Section 310 of the Act, or, or the filings of  
5 applications that were made 3 or 4 years later pursuant to a  
6 process that was established 3 or 4 years later.

7 JUDGE CHACHKIN: All right, I think that --

8 MR. SHOOK: Your Honor, let me suggest one matter  
9 there, and that is applications were already being filed with  
10 the Commission by this time. The first applications --

11 MR. TOPEL: But -- that's correct, but  
12 certifications, the minority -- the abuse of process goes to  
13 the claim of preferences for, for minority certifications and  
14 those were not made until 4 years later.

15 JUDGE CHACHKIN: But I think that counsel's entitled  
16 to a response as to which portion of these exhibits do you  
17 consider relevant or are you just saying the fact that the  
18 application was filed -- the fact that this information was  
19 filed is by itself relevant, or if there are specific  
20 portions --

21 MR. COHEN: I'm --

22 JUDGE CHACHKIN: -- which you're relying on?

23 MR. COHEN: I'm saying both, Your Honor, and, and  
24 you took this out of turn but if you'll, if you'll see at the  
25 beginning, beginning, there were -- there was an application

1 filed. In that application there were representations about  
2 the status of Television Translator, Inc. [sic], and that  
3 bears directly upon both issues.

4 MR. TOPEL: How? I mean, what do they say that, I  
5 mean, that --

6 MR. COHEN: Well, Your Honor, are we going to have a  
7 ruling that, that we address you or do we address each other?

8 JUDGE CHACHKIN: You address me, but counsel has  
9 raised a question. How are these particular documents  
10 relevant to the --

11 MR. COHEN: Well, okay, Your Honor, then you have to  
12 begin at the beginning and you have to look at Exhibit 11  
13 because that's the application for Recognition of Exemption.

14 JUDGE CHACHKIN: You're talking about  
15 Bureau Exhibit 11, or, or --

16 MR. COHEN: I'm talking about Bureau Exhibit 13.

17 JUDGE CHACHKIN: Oh, but your Exhibit 11, which  
18 you're not basing this upon.

19 MR. COHEN: That's right.

20 JUDGE CHACHKIN: All right, I'm looking at it now.  
21 All right.

22 MR. COHEN: Okay. There's a reference in  
23 paragraph 2 to the, to the solicitations and the -- which  
24 deals with the relationship to Trinity. Same thing  
25 paragraph 1, paragraph 2.

1 MR. TOPEL: None of that, Your Honor, deals with  
2 control of a license or a construction permit, or with  
3 certifications that were made to the FCC 3 or 4 years later.

4 MR. COHEN: I disagree. It, it -- they have  
5 everything to do with it because this was the entity that was  
6 the applicant, so it has everything to do with it, and I, and  
7 I repeat, Your Honor, the, the Commission stated that -- you  
8 have to begin at the onset because the Commission stated "if  
9 TBN and/or Paul Crouch controlled NMTV from the outset, and  
10 that fact had been disclosed, NMTV would not have been  
11 entitled to minority preferences." Now, I'm going to  
12 establish that -- how this corporation came into being, who  
13 the players were. Norman Juggert, who was TBN's lawyer,  
14 organized this corporation. He got his instructions from TBN;  
15 he got his instructions from Paul Crouch. That bears directly  
16 upon both issues in this proceeding.

17 JUDGE CHACHKIN: Now, secondly, is there anything  
18 specifically in these two documents which you believe will,  
19 other than the fact that we have this pattern, I mean anything  
20 specifically in these documents?

21 MR. COHEN: Yes, Your Honor. Let me, let me -- I'll  
22 have to review them carefully but I --

23 MR. SHOOK: Your Honor, may I speak relative to  
24 Bureau Exhibit, Bureau Exhibit 13?  
25

JUDGE CHACHKIN: Well, we're not at that stage.



1 We're talking about the, the later tax documents.

2 MR. COHEN: Now, which document are you, are you now  
3 referring to, the application?

4 JUDGE CHACHKIN: No, I'm referring to the request of  
5 the IRS for further information --

6 MR. COHEN: Yes, that --

7 JUDGE CHACHKIN: -- and the response.

8 MR. COHEN: I understand, no, that -- Your Honor,  
9 the -- you have to put the request in, in order to put the  
10 response in context.

11 JUDGE CHACHKIN: I understand but --

12 MR. COHEN: Now --

13 JUDGE CHACHKIN: -- the question is what is, what is  
14 specifically --

15 MR. COHEN: Yes.

16 JUDGE CHACHKIN: Okay.

17 MR. COHEN: Paragraph 3, "TBN will be a major user.  
18 Their financial relationship has not been formalized, and our  
19 relationship with Trinity will be on the basis --" I want, I  
20 want --

21 JUDGE CHACHKIN: Are you going -- do you intend to  
22 question the witnesses using these documents?

23 MR. COHEN: I, I do not know, Your Honor, depending  
24 on how the questioning goes whether I'm going to be asking  
25 specific questions about specific paragraphs, but I certainly

1 will be referring to these documents. I, I, I represent that  
2 to you.

3 JUDGE CHACHKIN: All right, I will receive Glendale  
4 Exhibits 12 and 13. If there isn't specific references, you  
5 can object to all or portions of the exhibit. If it's not  
6 developed in testimony, you can object to all or portions of  
7 the exhibits.

8 MR. TOPEL: Thank you, Your Honor.

9 (Whereupon, the documents previously  
10 marked for identification as Glendale  
11 Exhibits 12 and 13 were received into  
12 evidence.)

13 JUDGE CHACHKIN: The next one is 21, Glendale  
14 Exhibit 21.

15 MR. TOPEL: Yes, Your Honor, I, I object to that.  
16 For one, the date on the document is illegible and I don't  
17 know that that was ever cleared up in discovery, so it sort of  
18 is, is floating in no context. Beyond that, the document is  
19 irrelevant. It has no relevance to control over licenses or  
20 construction permits; it has no relevance to applications that  
21 were filed with the FCC. It's nothing more than a document.

22 JUDGE CHACHKIN: Well, it refers to -- it's a letter  
23 of transmittal, apparently, enclosing bylaws and articles of  
24 incorporation.

25 MR. TOPEL: Correct, but there's no indication of

1 | what purpose or when it was done.

2 | JUDGE CHACHKIN: Well, when --

3 | MR. TOPEL: Yes, the articles and bylaws were --

4 | JUDGE CHACHKIN: When were they adopted?

5 | MR. TOPEL: -- were transmitted.

6 | JUDGE CHACHKIN: When were they adopted?

7 | MR. TOPEL: There's no dispute as to that. Those  
8 | documents --

9 | JUDGE CHACHKIN: What was the date?

10 | MR. TOPEL: In September, 1980.

11 | JUDGE CHACHKIN: So that, obviously, this document  
12 | is 1980. That's the date that --

13 | MR. TOPEL: Oh, I don't think that's obvious at all,  
14 | Your Honor. In fact, it, it could not possibly been May 22,  
15 | 1980.

16 | JUDGE CHACHKIN: Well, it's 1982 it refers to, I'm  
17 | sorry. It does refer to a copy of the annual report meetings  
18 | from 1982. Is, is this letter of transmittal by itself  
19 | relevant?

20 | MR. COHEN: Yes, sir.

21 | JUDGE CHACHKIN: Okay.

22 | MR. SCHAUBLE: It's very relevant. It's relevant  
23 | for a couple of reasons, Your Honor.

24 | JUDGE CHACHKIN: All right.

25 | MR. COHEN: You're at a, a disadvantage to the

1 extent you haven't heard the testimony, but you're going to  
2 hear from Mr. Juggert and you're going to see the testimony  
3 where Mr. Juggert has consistently and steadfastly minimized  
4 his participation in NMTV. Mr. Juggert is an officer and  
5 counsel for Trinity, and you'll find that he has consistently  
6 tried to distance himself from NMTV, and I will try to develop  
7 that he became an arm and an instrument of TBN in controlling  
8 NMTV, and here we have a reference to "Norm" who was  
9 Norm Juggert, "his office will be sending you the rest of the  
10 yearly and organizational minutes."

11 JUDGE CHACHKIN: All right, I'll, I'll receive  
12 Glendale Exhibit 21.

13 (Whereupon, the document previously  
14 marked for identification as Glendale  
15 Exhibit 21 was received into  
16 evidence.)

17 JUDGE CHACHKIN: The next one is Glendale  
18 Exhibit 61, which is a letter from Paul Crouch to David  
19 Espinoza dated 8/23/90, and what's the basis of your objection  
20 to that?

21 MR. TOPEL: I withdraw my objection.

22 JUDGE CHACHKIN: Glendale Exhibit 61 is received.

23 (Whereupon, the document previously  
24 marked for identification as Glendale  
25 Exhibit 61 was received into

1 evidence.)

2 JUDGE CHACHKIN: Then we have a whole series of  
3 objections from 94 to 98. Should we take them one at a time?

4 MR. TOPEL: Let me --

5 MR. COHEN: Could I just have a minute,  
6 Your Honor --

7 JUDGE CHACHKIN: Yes.

8 MR. COHEN: -- to, to get myself together?

9 (Aside.)

10 (Whereupon, a brief recess was taken.)

11 JUDGE CHACHKIN: Back on the record.

12 MR. TOPEL: Yes, Your Honor, the objections to 94,  
13 95, 96, and 97 is the same. It is that these documents  
14 predate substantially the issuance of any operating license or  
15 construction permit to National Minority Television, therefore  
16 don't go to the basic questions of who made decisions, who had  
17 control over the NMTV licenses and constructions permits, and  
18 our view, therefore, is that they are irrelevant to that  
19 issue. They're also, in our view, irrelevant -- I don't --  
20 Mr. Cohen can explain how that's tied to, to abuse of process  
21 and intentions, but I, I don't think it can be tied. I, I  
22 just think these are superfluous documents that clutter the  
23 record, and I think they're irrelevant.

24 MR. COHEN: Your Honor, Jane Duff, who you will be  
25 hearing from shortly, hopefully, is a key player in the saga

1 that's going to be unfolding. Her role at TBN is an integral  
2 aspect of the story that you're going to hear. These  
3 documents, which I represent to you I will question her about,  
4 deal with what she did at TBN. What she did at TBN as an  
5 officer is very relevant to the issue of control. It's also  
6 relevant to the issue of abuse of process. She wore two hats;  
7 she had a TBN hat and she had an NMTV hat, and I submit that,  
8 that the record needs, for your examination, documents which  
9 bear upon how she conducted herself as an officer of NMTV, and  
10 an employee of NMTV, and how she conducted herself as an  
11 employee and an officer of Trinity, and these are our  
12 illustrations of that.

13 MR. TOPEL: Your Honor, I, I would request, then,  
14 that Mr. Cohen explain, I guess the first exhibit is 94, what  
15 this information in this memorandum shows that's relevant to  
16 the issues in the case.

17 MR. COHEN: I'll be glad to, if you wish to hear it.  
18 This woman holds herself out, Your Honor, as independent of  
19 Paul Crouch. She's also one of his two assistants, and this  
20 document deals with what her duties are, some of her duties as  
21 an assistant to Paul Crouch. That bears directly upon the  
22 issues in this proceeding.

23 MR. TOPEL: In, in May 1985, before -- 2 years  
24 before National Minority Television owned anything. I mean --  
25

MR. COHEN: Your Honor --

1 MR. TOPEL: -- her duties changed --

2 JUDGE CHACHKIN: We'll just have to see. I'll, I'll  
3 overrule your objection -- 94, is it? --

4 MR. TOPEL: Yes, sir.

5 JUDGE CHACHKIN: -- and 95, 96, and 97.

6 (Whereupon, the documents previously  
7 marked for identification as Glendale  
8 Exhibits 94, 95, 96, and 97 were  
9 received into evidence.)

10 JUDGE CHACHKIN: Again, if it's not developed, you  
11 can move to strike but I, I don't think -- I don't agree with  
12 you on one point, the question of control begins and ends at  
13 the time they acquired the station. I think what took place  
14 prior to that time will also be relevant. We'll just have to  
15 wait and see what the evidence shows. What other -- you, you  
16 also objected to 97 and 98 for the same reasons?

17 MR. TOPEL: Not, not 98; 94 through 97.

18 JUDGE CHACHKIN: Through 97. All right, those  
19 objections are overruled. What's the objection to 98?

20 MR. TOPEL: Oh, did I -- I didn't know I objected to  
21 98. Did I?

22 MR. COHEN: I have it as a, as a document you  
23 objected to.

24 JUDGE CHACHKIN: Well, at least you haven't  
25 indicated that you don't object to the --

1 MR. TOPEL: Yeah, oh, yeah, all right. I didn't  
2 have it on my, on my -- I, I have no objection subject to it  
3 being tied.

4 JUDGE CHACHKIN: All right, Glendale Exhibit 98 is  
5 received.

6 (Whereupon, the document previously  
7 marked for identification as Glendale  
8 Exhibit 98 was received into  
9 evidence.)

10 MR. COHEN: The next one, one --

11 JUDGE CHACHKIN: 115.

12 MR. COHEN: 115, thank you.

13 JUDGE CHACHKIN: This also relates to a letter from  
14 Jane Duff to Jim McLelland, and Mr. Cohen has indicated he,  
15 he's attempting to show that the fact that Ms. Duff wore two  
16 hats raises a question whether there was a conflict of  
17 interest, and we'll just have to see how it's tied up, but  
18 there's a document.

19 MR. TOPEL: And, and my objection in there is --  
20 it's really no objection as long as it's tied up. I'm, I'm  
21 more -- I'm not concerned at all about the fact that Mrs. Duff  
22 wrote that letter. I think if, if, if inferences are going to  
23 be requested from the content of the letter, it should be  
24 directly tied on, on examination.

25 JUDGE CHACHKIN: Well, I agree with you. I agree.



1 All right, Glendale Exhibit 115 is received, and the similar  
2 objection will also --

3 MR. TOPEL: Yes, the same

4 JUDGE CHACHKIN: -- be overruled and so 117 is  
5 received.

6 (Whereupon, the documents previously  
7 marked for identification as Glendale  
8 Exhibits 115 and 117 were received  
9 into evidence.)

10 MR. TOPEL: Yes, Your Honor.

11 JUDGE CHACHKIN: Then we have 119 and 120, and those  
12 objections also are overruled and the exhibits are received.

13 (Whereupon, the documents previously  
14 marked for identification as Glendale  
15 Exhibits 119 and 120 were received  
16 into evidence.)

17 JUDGE CHACHKIN: We have 125. What's the --

18 MR. TOPEL: Okay, I, I have no, no objection to  
19 that, subject to it being tied.

20 JUDGE CHACHKIN: Glendale Exhibit 125 is also  
21 received.

22 (Whereupon, the document previously  
23 marked for identification as Glendale  
24 Exhibit 125 was received into  
25 evidence.)